

## REMARKS

Claims 1, 2, and 181-189 are pending in this application. Claims 1 and 2 have been amended to clarify the invention. No new matter has been added.

### Claim Objections

Applicants read the Office Action's objections to claims 1 and 2, and requirement to renumber these claims, as asserting that a request to cancel claims 1 and 2, filed on September 6, 2002, was entered by the Office. However, in response to Applicant's September 6 request, the Office issued an election/restriction, which forced the Applicants into a constructive election by original presentation of claims 1 and 2. *See* Office Action mailed December 11, 2002 (Paper No. 8). The next Office Action raised no issue concerning the numbering of claims 1 and 2. *See* Office Action mailed March 3, 2003 (Paper No. 10). Applicants respectfully assert that at least due to the Office's refusal to enter the requested cancellation of claims 1 and 2, the Office's forcing of Applicants into a constructive election of those claims, and the Offices previous apparent acceptance of the claim numbering, that claims 1 and 2 were never cancelled. Accordingly, the objection to the numbering of claims 1 and 2 should be withdrawn. Applicant presently declines to renumber claims 1 and 2, pending a response from the Office.

### Claim Rejections

Claims 1, 2, 182, 186, and 188 stand rejected under 35 USC § 102(b) as being anticipated by US Patent No. 4,799,260 to Mandell *et al.* (hereinafter "Mandell"). Claims 181 and 185 stand rejected under 35 USC § 103(a) as being unpatentable over *Mandell* in view of U.S. Patent No. 5,809,472 to Morrison (hereinafter "Morrison"). Claims 183, 184, 187, and 189 stand rejected under 35 USC § 103(a) as being unpatentable over *Mandell* in view of U.S. Patent No. 3,583,803 to Cole (hereinafter "Cole"). Applicants again respectfully traverse these rejections.

The Office, in responding to Applicants' argument filed June 3, 2003, did not grasp the entirety of Applicants' argument. The Office Action's response did not consider the fact that for a claim to be anticipated, each and every element of the claim must be present in the accused reference. The Office Action either mistakenly or explicitly overlooked the claim element requiring "the first signal [comprising substantially vocal signal information] and the second signal [comprising substantially information other than vocal signal information] are received

separately by the decoder system,” as recited in independent claim 1 and similarly in independent claim 2. Applicants argued this point in their response; however, the Office Action failed to respond to this aspect of the argument.

In its continued rejection of the pending claims, the Office Action continues to place great emphasis on *Mandell*’s Fig. 9. Applicants point out that the system 400 of *Mandell*’s Fig. 9 does not receive “the first signal [comprising substantially vocal signal information] and the second signal [comprising substantially information other than vocal signal information] ... separately,” as recited in independent claim 1 and similarly in independent claim 2. Fig. 9 is “a block diagram of a split band variable matrix decoder system.” *Mandell* col. 15:35-36. Contrary to the Office Action’s argument, Fig. 9 does not show “where ‘speech’ signals and ‘background audio signals’ are separately received and decoded.” Office Action at page 6 (emphasis added).

Fig. 9 clearly shows, at the top left, the reception of a signal abbreviated as  $L_T$ . At the bottom left, Fig. 9 clearly shows the reception of a signal abbreviated as  $R_T$ .  $L_T$  and  $R_T$  are abbreviations for Left Total and Right Total, respectively. As stated in *Mandell*, “[t]he two signals  $L_T$  and  $R_T$  are two channel signals derived in an encoder (not shown) from four signals in such a manner that the two channel signals contain directional information related to the directions of the four input signals.” *Mandell* at col. 5:18-22. The four input signals being L (left), C (center), R (right), and S (surround). *See id.* at col. 5:22-27. Each of the L, C, R, and S channels contain both vocal information and information other than vocal signal information, as is customary in conventional quadraphonic audio. Accordingly, *Mandell*’s systems of Figs. 9 and 10, do not disclose where “the first signal [comprising substantially vocal signal information] and the second signal [comprising substantially information other than vocal signal information] are received separately by the decoder system,” as recited in independent claim 1 and similarly in independent claim 2. *Mandell* merely discloses reception of a left total signal and a right total signal.

For the reasons stated above, *Mandell* does not disclose simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder system, as recited in

independent claim 1 and similarly in independent claim 2. Accordingly, the 35 USC § 102(b) rejection of claims 1 and 2 should be withdrawn.

*Morrison* does not overcome the deficiencies of *Mandell*. *Morrison* relates to selective reduction of the data rates of speech and non-speech audio by respective compression techniques based upon the information content of a signal. *Morrison* fails to disclose a decoder simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly recited in independent claim 2.

*Cole* does not overcome the deficiencies of *Mandell*. *Cole* relates to motion picture process and films having wide-screen aspect ration frames. The film frames are substantially the same width as conventional frames transversely of the film and approximately half as high lengthwise of the film. *Cole* fails to disclose a decoder simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly recited in independent claim 2.

For the reasons set forth above, Applicants submit that independent claims 1 and 2 define patentable subject matter. Claims 181-184 and 185-189 depend from independent claims 1 and 2, respectively, and therefore, also define patentable subject matter. Accordingly, Applicants request that the 35 USC § 102(b) rejection of independent claims 1, 2, 182, 186, and 188, and the 35 USC § 103(a) rejections of claims 181, 183, 184, 185, 187, and 189 be withdrawn.

Applicants also request that the objection to claim numbering of claims 1 and 2 be withdrawn.

Applicants assert that all claims are in condition for allowance. Prompt and favorable examination on the merits is earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600. The Examiner is invited to telephone the undersigned at 202-220-4393 to discuss any matter regarding this application.

Respectfully submitted,



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